

Applicant : Heinrich Schenk
Serial No. : 09/806,140
Filed : March 27, 2001
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Attorney's Docket No.: 12816-008001 / S0751 SB/fis

REMARKS

Claims 1-2 and 4-7 are pending in the application, of which claim 1 is independent.

Favorable reconsideration and further examination are respectfully requested.

In response to the examiner's objection to the declaration, applicants submit herewith a declaration in compliance with 37 C.F.R. 1.67(a). Therefore, the applicants request that this rejection be withdrawn.

In response to the examiner's rejection of claim 1 under 35 U.S.C. §102(e) as being anticipated by *Strait* (US 6,266,367), applicants submit herewith a declaration under 37 C.F.R. 1.131 indicating that the applicants conceived and reduced to practice the digital receiver of claim 1 prior to the May 28, 1998 filing date of *Strait*. Therefore, *Strait* is not available as prior art to this application and the applicants request that this rejection be withdrawn.

Claims 2 and 4-7 depend from claim 1 and are allowable for at least the same reasons as claim 1.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Respectfully submitted,

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